

OFFICER DECISION RECORD

For staff restructures, please also complete an RA1 form to update the HR Portal. This is attached at Annex 2.

Decision Ref. No:

RE18 0079

Box 1

DIRECTORATE: Regeneration & Environment.

DATE: 11/06/2018

Contact Name: Catherine Eatwell

Tel. No.: 07824548929

Subject Matter: Asbestos Contracts

Box 2

DECISION TAKEN:

To approve the contractors identified by DMBC following the re-tender of asbestos contracts through Efficiency North commencing 1 June 2018 for one year with the option to extend 7 x 1 years until 31 May 2026.

Lot 1 Asbestos Surveys - MCP Environmental Ltd

Lot 2 Air Monitoring – Socotec Asbestos Ltd

Lot 3 Asbestos Removal – Aspect Contracts Ltd

Box 3

REASON FOR THE DECISION:

Give relevant background information

Control of Asbestos Regulations 2012 places a duty holder responsibility on DMBC to effectively manage the asbestos within our public buildings.

The previous contract expired and a re-procurement exercise was undertaken to call off the services from an Efficiency North Framework Agreement and in accordance with the council's contract procedure rules.

Existing Contract.

Efficiency North Framework Agreement

Service Provider: Lot 1 Asbestos Surveys – Tersus Ltd

Lot 2 Air Monitoring – Socotec Asbestos Ltd (ESG Ltd)

Lot 3 Asbestos Removal – Aspect Contracts Ltd

Start Date: 1st April 2014

Contract Period: 60 months

Contract Value at time of Tender (2017/18)

- Lot 1 Asbestos Surveys – Tersus Ltd

Approx. £11,136.24 per year

- Lot 2 Air Monitoring – Socotec Asbestos Ltd (ESG Ltd)
Approx. £39,213.83
- Lot 3 Asbestos Removal – Aspect Contracts Ltd
Approx. £53,682.52

This contract covers all properties where the Council has a statutory obligation to ensure the periodic inspection and where refurbishment/ demolition schemes are being carried out.

Through the 'Buy Doncaster' traded services, this contract also forms part of the services offered to all schools and academies by Technical Services.

As a 'Traded Service' Technical Services has an obligation to all clients to ensure this work is completed by competent engineers and at a competitive price.

Funding.

- The funding for all asbestos works are either included as part of the 'Buy Doncaster' traded services or through specific refurbishment/demolition projects.
- Refurbishment schemes not managed through technical services are self-funded through the maintenance budget of the site

*The costs above are from the previous contract tender summary and are therefore subject to change due to reductions in the public buildings property portfolio and number of schools changing to academies.

Box 4**OPTIONS CONSIDERED & REASONS FOR RECOMMENDED OPTION:****If other options were considered, please specify and give reasons for recommended option**

Following a previous successful term service agreement through Efficiency North the 3 lots were retendered through the Efficiency North Framework Agreement based on DMBCs requirements and the rules of the Framework compliant tenders were evaluated.

Option 1.

To approve the award of contracts to the supplier(s) that offer overall best value to the council, schools and academies.

Suppliers.

Lot 1 Asbestos Surveys – MCP Environmental Ltd

Lot 2 Air Monitoring – Socotec Asbestos Ltd (ESG Ltd)

Lot 3 Asbestos Removal – Aspect Contracts Ltd

Option 2.

DMBC carry out its own separate tender process for each of the three contracts but this would cause a four month delay in appointing successful contractors and DMBC would not benefit from the economies of scale the joint Efficiency North Framework offers.

Further Considerations.

No other options are considered as it is a statutory duty to undertake this work and it cannot be undertaken in-house.

It is recommended that **Option 1** is approved and DMBC take advantage of the benefits that Efficiency North Framework offers.

Box 5**LEGAL IMPLICATIONS:**

Section 1 of the Localism Act 2011 provides the Council with a general power of competence, allowing the Council to do anything that individuals generally may do.

Section 111 of the Local Government Act 1972 gives the Council the power to purchase goods and services.

Provided the Services were procured in accordance with the Council's Contract Procedure Rules and the rules of the Framework and there have been no challenges to the Framework call off, the award should be approved.

Care should be taken to ensure the Council must strictly comply with the rules of Framework and be completely familiar with the contractual terms in order to protect the interests of the Council and enforce terms as and when necessary.

Name: __Paula Coleman__ Signature: _By e-mail_ Date: _14-06-2018____
Signature of Assistant Director of Legal and Democratic Services (or representative)

Box 6
FINANCIAL IMPLICATIONS:

On receipt of the tenders, the financial position will need to be reviewed to ensure that the contract is maintained within existing budgets. Some of these costs will be funded directly from School maintenance budgets, as well as existing Council building's maintenance budgets or recharged to specific schemes for example demolitions.

Name: Marion Berrett Signature:  Date: 15th June 2018
Signature of Assistant Director of Finance & Performance
(or representative)

Box 7
HUMAN RESOURCE IMPLICATIONS:

There are no HR Implications in relation to this ODR.

Name: Claire Rudd Signature:  Date: 20/06/2018
Signature of Assistant Director of Human Resources and Communications (or representative)

Box 8
PROCUREMENT IMPLICATIONS:

As detailed within the body of the report it is proposed the project will be delivered through the use of the pre procured, EU compliant framework agreement Efficiency North. This agreement enables users to direct award works to a single provider under specific valued lots as well as conducting mini-competitions for best value.

The Council is conversant with the use of this framework and has delivered many projects through it to date.

Name: H Donnellan Signature: H Donnellan Date: 02/07/18
Signature of Assistant Director of Finance & Performance
(or representative)

Box 9
ICT IMPLICATIONS:

There are no ICT implications associated with this decision.

Name: Peter Ward (Technology Governance & Support Manager)

Signature:  **Date:** 12/06/18

Signature of Assistant Director of Customers, Digital & ICT (or representative)

Box 10
ASSET IMPLICATIONS:

Doncaster Council has a statutory duty in respect of its public buildings portfolio to effectively manage any asbestos.

The proposal outlined in this Officer Decision Record will ensure that the Council is in compliance with this requirement and that our asset base remains fit for purpose for service delivery.

Name: Gillian Fairbrother (Principal Property Surveyor)

Signature: By email **Date:** 12th June, 2018

Signature of Assistant Director of Trading & Property Services
(or representative)

Box 11
RISK IMPLICATIONS:

To be completed by the report author

Duty to manage asbestos is a statutory requirement and therefore the council would not be fulfilling its obligations if this work was not carried out. This would therefore:

- Increase the risk of exposure to life and property.
- Increase the risk of prosecution.

If no arrangements were in place and there was a n asbestos issue the council could be prosecuted by the HSE or even face a criminal prosecution.

(Explain the impact of not taking this decision and in the case of capital

schemes, any risks associated with the delivery of the project)

Box 12

EQUALITY IMPLICATIONS:

To be completed by the report author

There are no equality implications.

**Name: C Eatwell
(Report author)**

Signature: C Eatwell

Date: 11 June 2018

Box 13

CONSULTATION

Officers

(In addition to Finance, Legal and Human Resource implications and Procurement implications where necessary, please list below any other teams consulted on this decision, together with their comments)

Members

Under the Scheme of delegation, officers are responsible for day to day operational matters as well as implementing decisions that have been taken by Council, Cabinet, Committee or individual Cabinet members. Further consultation with Members is not ordinarily required. However, where an ODR relates to a matter which has significant policy, service or operational implications or is known to be politically sensitive, the officer shall first consult with the appropriate Cabinet Member before exercising the delegated powers. In appropriate cases, officers will also need to consult with the Chair of Council, Committee Chairs or the Chair of an Overview and Scrutiny Panel as required. Officers shall also ensure that local Members are kept informed of matters affecting their Wards.

Please list any comments from Members below:

Box 14

INFORMATION NOT FOR PUBLICATION:

It is in the public's interest to be aware of this decision record under the Freedom of Information Act 2000, therefore this decision will be published in full, redacting only signatures.

Name: Joan L'Amie Signature: Joan L'Amie Date: 3rd July 2018
Signature of FOI Lead Officer for service area where ODR originates

Box 15

Signed: Dave Wilkinson Date: 4 July 2018
Dave Wilkinson, Assistant Director Trading and Property Services

Signed: _____ Date: _____
Additional Signature of Chief Financial Officer or nominated representative for Capital decisions (if required)

Signed: _____ Date: _____
Signature of Mayor or relevant Cabinet Member consulted on the above decision (if required).

- This decision can be implemented immediately unless it relates to a Capital Scheme that requires the approval of Cabinet. All Cabinet decisions are subject to call in.
- A record of this decision should be kept by the relevant Director's PA for accountability and published on the Council's website.
- A copy of this decision should be sent to the originating Directorate's FOI Lead Officer to consider 'information not for publication' prior to being published on the Council's website.
- A PDF copy of the signed decision record should be e-mailed to the LA Democratic Services mailbox